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ANNUAL REPORT

OF THE

ALBERTA HEALTH OCCUPATIONS BOARD

For the period
January 1, 1982 to December 31, 1982

Alberta

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ANNUAL REPORT OF THE ALBERTA HEALTH OCCUPATIONS BOARD

For the period of
January 1, 1982 to December 31, 1982

Alberta Health Occupations Board
8th. Floor, Seventh Street Plaza South
10030 - 107 Street
Edmonton, Alberta
T5J 3E4

January 1983

Alberta
HEALTH OCCUPATIONS BOARD

Chairman Mr. Elvin Christenson, FCA

Seventh Street Plaza, 10030 - 107 Street, Edmonton, Alberta, Canada T5J 3E4

In Replying Please Quote:

January 5, 1983

To The Honourable David King
Minister of Education

Sir:

I am pleased to present the Annual Report of the Health Occupations Board for the year January 1, 1982 to December 31, 1982.

Respectfully submitted,

Elvin Christenson, FCA
Chairman
Alberta Health Occupations Board

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I. INTRODUCTION

The present report is the **first Annual Report** of the Alberta Health Occupations Board, which was established under **The Health Occupations Act** (1980). The report describes the Board's major activities from January 1, 1982 to December 31, 1982.

Because the present report is the **first Annual Report**, it also contains various background information on the following five items:

1. **The Health Occupations Act;**
2. the Alberta Health Occupations Board;
3. Designated Health Occupations (i.e., those health occupations which will be regulated under the Act);
4. Health Occupations Committees, which will be established for each Designated Health Occupation; and
5. the Registrar of Health Occupations, who will be responsible for the registration of practitioners of each designated health occupation.

The previously-mentioned background information is necessary to fully understand the 1982 activities of the Board.

II. THE HEALTH OCCUPATIONS ACT

A. History of the Act

The Government of Alberta first introduced **The Health Occupations Act** (Bill 30) into the Legislative Assembly of Alberta on June 28, 1979. On November 14, 1979, the provincial government announced that it would not proceed with the passage of Bill 30 in the 1979 Session of the Legislature and that **The Health Occupations Act** with revisions would be re-introduced in the 1980 Session of the Legislature.

The Government of Alberta re-introduced **The Health Occupations Act** (Bill 84) into the Legislative Assembly on October 30, 1980. Bill 84 was a revised version of the earlier Bill 30, and it incorporated many of the suggestions, which various concerned groups had presented regarding Bill 30. **The Health Occupations Act** (Bill 84) was passed by the Legislature on November 27, 1980. The Act was proclaimed (i.e., put into effect) by the Lieutenant Governor in Council (i.e., Executive Council or Cabinet) on December 16, 1981.

B. Objectives of the Act

The major objectives of **The Health Occupations Act** are as follows:

1. To provide a means for regulating a wide variety of health occupations, which are not presently regulated by any provincial legislation in Alberta.
2. To protect the public with legislative safeguards, where there is risk of harm from the practice of an unregulated health occupation.
3. To provide protection for practitioners of those health occupations, which are designated under **The Health Occupations Act** and which previous to such designation may have been contravening the provisions of **The Medical Profession Act** or other health professional Acts.
4. To implement the Government of Alberta's "Policy Governing Future Legislation for Professions and Occupations" (1977), which stated that each regulated occupation or profession should be self-regulating where practical rather than placed under the legislative supervision of another occupation or profession.
5. To establish the Alberta Health Occupations Board to advise the provincial government on matters respecting the future regulation of various health occupations, which are not presently regulated in the province.

6. To provide a degree of "peer" regulation for those health occupations regulated under **The Health Occupations Act.**

7. To put in place legislation that permits the Government of Alberta to quickly respond to the need and desire for regulation by various health occupations.

8. To eliminate the costs of registering and disciplining practitioners for those professional associations, which represent practitioners of those health occupations regulated under the Act.

III. ALBERTA HEALTH OCCUPATIONS BOARD

A. History of the Board

On December 16, 1981, **The Health Occupations Act** was proclaimed, and the Lieutenant Governor in Council established the Alberta Health Occupations Board and appointed the members of the Board. The Alberta Health Occupations Board held its first meeting on January 12, 1982.

Between December 16, 1981 and December 8, 1982, the Board reported to the Honourable Dr. P. N. Webber, the Minister responsible for Health and Social Services Professions and Occupations. On December 9, 1982, the Board began reporting to the Honourable Mr. David King, Minister of Education.

B. Membership of the Board

According to **The Health Occupations Act**, the Alberta Health Occupations Board shall consist of not more than nine members. At least one but not more than three members of the Board shall be members of the College of Physicians and Surgeons of Alberta.

A representative of the Department of Advanced Education is entitled to attend the meetings of the Board as an observer. The Secretariat of the Alberta Health Occupations Board consists of the Registrar of Health Occupations, who is also Secretary of the Board, and any other staff provided by the Minister to carry out the work of the Board.

A list of the current members of the Alberta Health Occupations Board and of the Board's Secretariat appears on page 9.

C. Functions of the Board

The following are the major functions of the Alberta Health Occupations Board:

1. to conduct investigations to determine if specific health occupations should be regulated under the Act;

2. to recommend to the Minister that amendments to **The Health Occupations Act** be passed by the Legislature to regulate specific health occupations under the Act;

3. to make regulations regarding the educational qualifications, scopes of practice, and standards of conduct for health occupations regulated under **The Health Occupations Act;** and

4. to act as an appeal body for decisions of the Health Occupation Committees, which are established for the health occupations regulated under the Act.

D. 1982 Activities of the Board

The board met 11 times during 1982. The Board spent almost all of its time engaged in the following two types of activities:

1. conducting investigations of 13 health occupations to determine if these occupations should be regulated under **The Health Occupations Act;** and

2. establishing the necessary working arrangements for the operation of the Board and developing procedures for implementing the various provisions of the Act.

IV. CONDUCTING INVESTIGATIONS OF HEALTH OCCUPATIONS

A. Procedures for Investigations

Under **The Health Occupations Act**, the Alberta Health Occupations Board must conduct an investigation (or an assessment) to determine if a specific health occupation should be regulated under the Act under one of the following two circumstances:

1. when an application or request to the Board has been made by a professional association, which represents practitioners of a health occupation, for that occupation to be regulated under the Act; and
2. when the Minister has requested the Board to conduct an investigation of a health occupation.

Under the Act, the Board must examine the following nine points in conducting its investigation of a health occupation:

1. the complexity of the tasks performed by practitioners of the health occupation;
2. the degree of supervision, which personnel receive;
3. the educational programs for that health occupation in Alberta;
4. the educational programs, which exist for that occupation outside of the province;
5. the risk to the public from persons practising the health occupation;
6. the services practitioners may provide to individuals requiring care and treatment;
7. the ability of personnel to practise on an independent basis;
8. the desirable qualifications for practitioners; and
9. the minimum standards of competency for personnel.

During 1982, the Board established procedures for conducting investigations to determine whether or not particular health occupations should be designated health occupations under the Act. More specifically, the Board decided that its investigations of health occupations may involve the following three stages:

1. a first stage investigation (the preparation of a report of a preliminary investigation of the health occupation):
2. a second stage investigation (the submission of written briefs and the hearing of oral presentations from groups, which are concerned about the health occupation); and
3. a third stage investigation (the preparation of a report of the final results of the Board's investigation of the health occupation).

Also, the Board decided that first and second stage investigations would be carried out for all health occupations, which it investigates. However, third stage investigations would be carried out only for those health occupations which the Board decides to recommend as designated health occupations under the Act.

B. 1982 Investigations of Health Occupations

During 1982 the Board received requests to investigate 13 health occupations to determine if these occupations should be designated health occupations under **The Health Occupations Act**. The 13 health occupations were:

1. acupuncturist;
2. combined laboratory and x-ray technician;

3. domiciliary midwife;
4. electrologist;
5. emergency medical technician-paramedic;
6. hearing aid audiologist;
7. herbalist;
8. medical radiation technologist;
9. orthomolecular therapist;
10. orthopaedic technologist;
11. registered nursing assistant;
12. rehabilitation practitioner; and
13. respiratory technologist.

The Minister requested that the Board investigate the occupations of emergency medical technician-paramedic and medical radiation technologist. Requests for investigations of the other eleven health occupations were received from professional associations, which represented practitioners of those occupations.

During 1982, the Board completed its investigations of the occupations of emergency medical technician-paramedic, medical radiation technologist, and respiratory technologist; that is, it completed the previously-mentioned first, second, and third stage investigations of these three health occupations. The Board concluded that the degree of risk of harm to the public, which may result from the practices of these three health occupations, was such that they should be designated health occupations under **The Health Occupations Act**. Therefore, the Board recommended to the Minister that legislation be enacted to designate the occupations of emergency medical technician-paramedic, medical radiation technologist, and respiratory technologist as designated health occupations under the Act.

Also, the Board completed first stage investigations of the following seven health occupations in 1982: acupuncturist; combined laboratory and x-ray technician; domiciliary midwife; electrologist; hearing aid audiologist; herbalist; and rehabilitation practitioner. In other words, the Board prepared reports of preliminary investigations of these seven health occupations, and it requested written briefs about these occupations from various concerned groups. In addition, the Chairman of the Board and members of the Boards' Secretariat met with the professional associations, which represented practitioners of these seven health occupations. At these meetings, they answered questions, which these professional associations had regarding **The Health Occupations Act**, the Alberta Health Occupations Board, and the Board's current procedures for conducting investigations of health occupations. Furthermore, the Chairman and Secretariat asked these professional associations a number of questions about their occupations at these meetings.

Finally, the Board had just begun its investigations of the occupations of orthomolecular therapist, orthopaedic technologist, and registered nursing assistant at the end of 1982.

V. ESTABLISHING WORKING ARRANGEMENTS FOR BOARD

A. Board's Working Arrangements

Besides conducting investigations of health occupations, the other major type of activity of the Board during 1982 involved establishing the necessary working arrangements for the operation of the Board and developing procedures for implementing the various provisions of **The Health Occupations Act**. Along this line, the Board produced the following reports and documents in 1982:

1. **1982 Annual Report of the Alberta Health Occupations Board;**
2. "1982 Annual Work Program of the Alberta Health Occupations Board";
3. "Guidelines for the Operation of the Alberta Health Occupations Board";
4. "Guidelines for the Operation of the Health Occupation Committees";
5. "Guidelines for the Operation of the Office of Registrar of Health Occupations";
6. "Guidelines for Handling Complaint Proceedings, Reviews, and Appeals Under **The Health Occupations Act**";
7. "Information Pamphlet on **The Health Occupations Act** and the Alberta Health Occupations Board"
8. "Procedures for Conducting Investigations of Health Occupations"; and
9. "Mailing List of the Alberta Health Occupations Board".

B. Information Activities of the Board

During 1982 the Board initiated an advertising campaign to publicly distribute information about the Board and **The Health Occupations Act**. More specifically, this campaign had the following objectives:

1. to inform various concerned groups that **The Health Occupations Act** had been officially proclaimed;
2. to inform concerned groups that the Alberta Health Occupations Board had been established and that it was now operating;
3. to inform professional associations that the Board was accepting requests to conduct investigations of various health occupations to determine if these occupations should be regulated under the Act;
4. to provide more detailed information on **The Health Occupations Act** and the Alberta Health Occupations Board; and
5. to answer various questions, which concerned groups had raised about the Act and the Board.

More specifically, the Board's advertising campaign involved publicly distributing copies of **The Health Occupations Act** and of the "Information Pamphlet on **The Health Occupations Act** and the Alberta Health Occupations Board". The previously-mentioned documents were distributed to approximately 200 professional associations, educational institutions, health service agencies, and provincial government departments. In addition, the Board intends to make a similar distribution of copies of the **1982 Annual Report of the Alberta Health Occupations Board** and of the "Procedures for Conducting Investigations of Health Occupations" beginning early in 1983.

Finally, the Chairman of the Board and members of the Board's Secretariat had 8 meetings in 1982 with various professional associations, which were considering whether to request the Board to investigate their occupations. At these informational meetings, they answered questions, which the professional associations had about **The Health Occupations Act**, the Alberta Health Occupations Board, and the Board's procedures for conducting investigations of health occupations.

VI. DESIGNATION OF HEALTH OCCUPATIONS

Under **The Health Occupations Act**, when the Board completes its investigation of a health occupation, it must decide if the degree of risk of harm to the public from the practice of that occupation is such that the occupation should be regulated under the Act. If the Board decides that such risk of harm exists, then it may recommend to the Minister that an amendment to **The Health Occupations Act** be enacted to designate that occupation as a designated health occupation under the Act.

The Government of Alberta may then introduce into the Legislative Assembly of Alberta an amendment to **The Health Occupations Act** designating that occupation as a designated health occupation. The Legislature must then pass the amendment to the Act.

At the end of 1982, the Legislative Assembly of Alberta had not designated any occupations as designated health occupations under **The Health Occupations Act.**

VII. HEALTH OCCUPATION COMMITTEES

A. Establishment of Committees

After the Legislature passes an amendment to the Act designating an occupation as a designated health occupation, then the Minister will establish a Health Occupation Committee for that designated occupation. He will appoint the members of the Committee. The Committee will report to the Alberta Health Occupations Board.

According to **The Health Occupations Act**, a Health Occupation Committee must consist of a minimum of three and a maximum of nine members. When a Committee is first established, each of its members must either be a practitioner of the designated health occupation or be knowledgeable about the practice of the occupation. Once the registration of practitioners of a designated health occupation has begun under the Act, then any new appointees to that Committee will have to be registered practitioners of that occupation.

Since there were no designated health occupations in 1982, no Health Occupations Committees have yet been established.

B. Functions of Committees

The major functions of the Health Occupations Committees are as follows:

1. To act as an advisory body to the Alberta Health Occupations Board with respect to the services that registered practitioners of a designated health occupation may provide, the standards of conduct for registered practitioners, and the qualifications and training for practitioners.
2. To advise and direct the Registrar of Health Occupations with respect to applications for registration to practise a designated occupation and to annual re-registrations of registered practitioners of that occupation.
3. To exercise the same authority as all other professional regulatory bodies with respect to disciplinary matters involving registered members of that health occupation.

VIII. REGULATIONS FOR DESIGNATED HEALTH OCCUPATIONS

A. Making Regulations

Under **The Health Occupations Act**, the Alberta Health Occupations Board may make the following kinds of regulations for a designated health occupation:

1. prescribing the services that a designated health occupation may provide;
2. prescribing conditions under which or limitations within which a designated occupation may provide services;
3. establishing the qualifications and conditions of eligibility of persons who may apply for registration to practise in a designated health occupation;
4. prescribing the forms, which the Registrar of Health Occupations will use for the purpose of administering **The Health Occupations Act**;

5. respecting registers, which the Registrar shall establish and maintain, for each designated occupation;

6. prescribing standards of conduct and competency for registered practitioners of a designated health occupation;

7. prescribing the date or dates for the annual re-registration of registered members of that occupation;

8. respecting training programs, which applicants for registration must have completed in order to practise a designated health occupation in Alberta; and

9. respecting examinations to determine the eligibility of applicants, who have successfully completed the required training programs.

Under the Act, the Alberta Health Occupations Board makes the actual regulations for each designated health occupation. However, the Board is required to consult with the Health Occupation Committee, which has been established for a specific designated health occupation, before the Board makes any regulations with respect to that occupation.

Since there were no designated health occupations by the end of 1982, the Board has not as yet made any regulations.

B. Approval of Regulations

Under **The Health Occupations Act**, any regulations made by the Board do not come into force unless they are approved by the Lieutenant Governor in Council. Also, the Lieutenant Governor in Council may, with respect to any regulations made by the Board, do the following:

1. approve the regulations;

2. vary the regulations and approve the regulations as varied; or

3. disapprove the regulations.

Under the Act, if the Minister has requested the Board to make any new regulations or to amend or repeal any existing regulations and the Board neglects or refuses to make, amend, or repeal the requested regulations within 60 days then the Lieutenant Governor in Council may make, amend, or repeal the requested regulations.

IX. REGISTRAR OF HEALTH OCCUPATIONS

A. Functions of the Registrar

The major functions of the Registrar of Health Occupations are as follows:

1. to provide information to enable the Board to conduct investigations to determine if specific health occupations should be regulated under **The Health Occupations Act**;

2. to serve as Secretary of the Alberta Health Occupations Board and Secretary of the various Health Occupations Committees, or alternatively, to delegate this latter function to any employee of the provincial government or any member of a Committee;

3. to register all applicants, who meet the qualifications prescribed by the Board, and to refer those, who do not meet these qualifications, to the appropriate Health Occupation Committee for review; and

4. to receive and refer any complaints respecting registered practitioners under the Act to the appropriate Health Occupation Committee for review and possible disciplinary action.

B. Registration Procedures

Under the Act, the following procedures will be adopted regarding the registration of practioners of designated health occupations under **The Health Occupations Act**:

1. The Registrar of Health Occupations will set up the registration procedures and forms as prescribed in the regulations for the various designated health occupations made by the Board.
2. He will register all applicants, who meet the qualifications for registration prescribed by the Board.
3. If the Registrar is not satisfied that an individual applying for registration is eligible to be registered, he will refer the application to the appropriate Health Occupation Committee for review.
4. He will establish and maintain a register of all registered practitioners of each designated health occupation.
5. Annual re-registration forms will be submitted to the Registrar of Health Occupation from all the registered practitioners of the various designated health occupations.
6. The Registrar will refer to the appropriate Health Occupation Committee any annual re-registration form, in which a registered practitioner has indicated that he or she has practised for less than 30 days out of the year or that he or she did not participate in an educational program related to the practice of the health occupation during the year.
7. There will be no fees for the initial registrations or for the annual re-registrations of registered practitioners of the designated health occupations under the Act.

C. 1982 Activities of the Registrar

On December 16, 1981, Mr. Dennis Gartner was appointed Registrar of Health Occupations and Secretary of the Alberta Health Occupations Board.

Because there were no designated health occupations in 1982, the Registrar was not involved in the registration of practitioners of any designated occupations. Almost all of the 1982 activities of the Registrar and his staff involved work they did as the Secretariat of the Board. More specifically, these activities involved conducting investigations of various health occupations for the board and helping the Board to establish its working arrangements and procedures.

X. FOR ADDITIONAL INFORMATION

For additional information about **The Health Occupations Act** and the Alberta Health Occupations Board, please write or telephone:

Mr. Dennis Gartner
Secretary
Alberta Health Occupations Board
8th Floor, Seventh Street Plaza S.
10030 - 107th Street
Edmonton, Alberta
T5J 3E4

Telephone: (403) 427-2655

Also, copies of the **1982 Annual Report of the Alberta Health Occupations Board**, of **The Health Occupations Act**, of the "Information Pamphlet on **The Health Occupations Act** and the Alberta Health Occupations Board", and of the "Procedures for Conducting Investigations of Health Occupations" are available, upon request, by contacting the previously-mentioned source.

TABLE 1: MEMBERS OF THE ALBERTA HEALTH OCCUPATIONS BOARD AND OF THE BOARD'S SECRETARIAT, AS OF DECEMBER 31, 1982

Board Members

Chairman, Mr. Elvin Christenson, FCA, Edmonton

Deputy Chairman, Mrs. Marlys Carruthers, Calgary

Dr. William A. J. Donald, Calgary

Dr. C. J. Fairbanks, Calgary

Mr. D. C. L. Jones, Calgary

Mrs. Lucille M. Lisowski, Edmonton

Mr. John W. Low, Ponoka

Dr. Charles G. More, Red Deer

Mr. Murray W. Ross, Edmonton

Board's Secretariat

Mr. Dennis Gartner, Registrar of Health Occupations and Secretary of the Alberta Health Occupations Board, Edmonton

Mr. Ted C. Seacrest, Consultant to the Registrar of Health Occupations, Edmonton

Observer

Mr. Ted Bruce, Senior Consultant, Health and Social Service Programs Branch, Alberta Advanced Education, Edmonton